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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/987,915

11/16/2001

Laleh Tarighi

WIR-SAS-915

7931

50438

7590

07/25/2008

JUNEAU PARTNERS

P.O. BOX 2516

ALEXANDRIA, VA 22301

EXAMINER

GHEBRETINSAE, TEMESGHEN

ART UNIT

PAPER NUMBER

2611

MAIL DATE

DELIVERY MODE

07/25/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/987,915	<b>Applicant(s)</b> TARIGHI ET AL.	
	<b>Examiner</b> Temesghen Ghebretinsae	<b>Art Unit</b> 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 18-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. It would be of great assistance to the Office if all incoming papers pertaining to a filed application carried the following items:

1. Application number (checked for accuracy, including series code and serial no.).
2. Group art unit number (copied from most recent Office communication).
3. Filing date.
4. Name of the examiner who prepared the most recent Office action.
5. Title of invention.
6. Confirmation number (See MPEP § 503).

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 20, "said radio modem" lack clear antecedent basis.

4. Claims 20-25 were indicated allowable however new reference was discovered and thus claims 20-25 are now rejected. See below rejection. Examiner regrets for the delay of the prosecution.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 18-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Preston et al (6,681,121).

7. Preston discloses a modem (28) to provide an interface between a hand held digital computer (212) a radio frequency transmitter and/or receiver (14) and position locating device(214), the modem comprising (i) an input/output port (cable, serial port) for connecting to a communication port of the handheld digital computer, (ii) a modulator and /or demodulator for converting digital data to a modulated RF signal and /or for converting a modulated RF signal to digital data (28) ; (III) an input for data from the position located device. Preston does not show explicitly the switch for selectively connecting the modulator and demodulator to the input/output port or the position locating device input to the input/output port and controller for controlling the operation of the switch. However, the switch and the controller are inherent in the system of Preston because Preston does teach selectively connecting the devices (212,214,216) to the single modem (28). (see fig. 15 and col.9, lines 45-54) The GPS (210) is an internal complement of the modem (208) see fig.14.

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 20-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Preston in view of Nordling (6,112,269).

11. Preston discloses a modem (28) to provide an interface between a hand held digital computer (212) a radio frequency transmitter and/or receiver (14) and position locating device(214), the modem comprising (i) an input/output port (cable, serial port) for connecting to a communication port of the handheld digital computer, (ii) a modulator and /or demodulator for converting digital data to a modulated RF signal and /or for converting a modulated RF signal to digital data (28) ; (III) an input for data from the position located device. Preston does not show explicitly the switch for selectively connecting the modulator and demodulator to the input/output port or the position locating device input to the input/output port and controller for controlling the operation of the switch. However, the switch and the controller are inherent in the system of Preston because Preston does teach selectively connecting the devices (212,214,216) to the single modem (28).

12. Preston differs from the claimed invention in that he is silent in terms of the computer having “a sleep mode” and the modem comprising a wake up means for waking up the computer from the sleep mode. However, Nordling from the same field of endeavor teaches or discloses a computer having a sleep mode and a modem comprising a wake up means for waking the computer from the seep mode. (See abstract and col.2, lines 1-18). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a computer with a sleep mode in the system of Preston. The suggestion/motivation for doing so would have been to save power (see abstract and col.2, lines 1-18). The wake up means transmits a wake up signal to the DSP (computer) prior to transmission of a signal (signal to be process) to the computer as claimed in claim 21(see col.2, lines 8-18). As per claims 23-24; the wake up signal of Nordling is initiated by “ring detected signal” feature as oppose to “carrier detect” or “packet recognition” feature as claimed in claims 23-24. However, using any “detect” feature would work the same. Thus, it would have been obvious to one of ordinary skill in the art to use any “detect feature” to initiated the wake up signal as claimed in claims 23-24 and the system would function the same. Digital computer of Preston is Palmtop (212) as claimed in claim 22.

### ***Response to Arguments***

13. Applicant's arguments with respect to claims 18-25 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temesghen Ghebretinsae whose telephone number is 571-272-3017. The examiner can normally be reached on Monday-Friday from 8 to 6. The examiner can also be reached on alternate.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ghayour Mohammed, can be reached on 571-272-3021. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Temesghen Ghebretinsae  
Primary Examiner  
Art Unit 2611

14. /Temesghen Ghebretinsae/

15. Primary Examiner, Art Unit 2611 7/19/08.